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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

5  
6 **UNITED STATES OF AMERICA**  
7 Plaintiff,  
8 v.  
9 **DEVAL HATCHER,**  
10 Defendant.

Case No. 2:23-cr-00012-NJK  
Order  
[Docket No. 11]

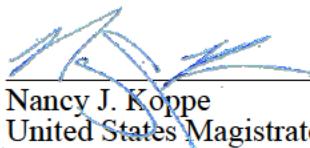
11 Pending before the Court is Defendant's motion to dismiss citation due to  
12 unconstitutionally vague statute. Docket No. 11. The United States filed a response. Docket No.  
13 6. No reply is needed. The motion is properly resolved without a hearing. *See* Local Rule 78-1.

14 Defendant was charged with resisting issuance of a citation in violation of 43 C.F.R. §  
15 8365.1-4(a)(4).<sup>1</sup> Docket Nos. 6 at 2, 11 at 2. He submits that the statute underlying this charge  
16 violates due process because it is impermissibly vague. Docket No. 11 at 3. The United States  
17 dismissed this charge on January 30, 2023. *See* Docket No. 4-1 (dismissal of citation).

18 Accordingly, Defendant's motion to dismiss citation due to unconstitutionally vague  
19 statute is **DENIED** as moot. Docket No. 11.

20 IT IS SO ORDERED.

21 Dated: February 1, 2023

22   
23 Nancy J. Koppe  
24 United States Magistrate Judge  
25  
26  
27

28 <sup>1</sup> Defendant was also charged with exceeding posted speed in violation of 43 C.F.R. § 83651.1-3(a). Docket No. 6 at 2. That charge remains pending. *See* Docket No. 1.